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Advocate of Peace

*We Have Not Won This War Until We Have Won the Peace, and
There Can Be No Peace Except the Peace of Justice.*



SEPTEMBER—OCTOBER, 1919

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A GOVERNED WORLD

The American Peace Society urges upon the American Government, and upon all civilized nations, the following principles as the hopeful bases of a governed world. It may be said that these principles and proposals have the approval of the highest authorities on international law, the Supreme Court of the United States, and practically every accredited peace society and constructive peacemaker in America.

I. THE RIGHTS AND DUTIES OF NATIONS.

Whereas the municipal law of civilized nations recognizes and protects the right to life, the right to liberty, the right to the pursuit of happiness, as added by the Declaration of Independence of the United States of America, the right to legal equality, the right to property, and the right to the enjoyment of the aforesaid rights; and

Whereas these fundamental rights, thus universally recognized, create a duty on the part of the peoples of all nations to observe them; and

Whereas, according to the political philosophy of the Declaration of Independence of the United States and the universal practice of the American Republics, nations or governments are regarded as created by the people, deriving their just powers from the consent of the governed, and are instituted among men to promote their safety and happiness and to secure to the people the enjoyment of their fundamental rights; and

Whereas the nation is a moral or juristic person, the creature of law and subordinated to law, as is the natural person in political society; and

Whereas we deem that these fundamental rights can be stated in terms of international law and applied to the relations of the members of the society of nations, one with another, just as they have been applied in the relations of the citizens or subjects of the States forming the society of nations; and

Whereas these fundamental rights of national jurisprudence, namely, the right to life, the right to liberty, the right to the pursuit of happiness, the right to equality before the law, the right to property, and the right to the observance thereof, are, when stated in terms of international law, the right of the nation to exist and to protect and to conserve its existence; the right of independence and the freedom to develop itself without interference or control from other nations; the right of equality in law and before law; the right to territory within defined boundaries and to exclusive jurisdiction therein, and the right to the observance of these fundamental rights; and

Whereas the rights and the duties of nations are, by virtue of membership in the society thereof, to be exercised and performed in accordance with the exigencies of their mutual interdependence expressed in the preamble to the Convention for the Pacific Settlement of International Disputes of the First and Second Hague Peace Conferences, recognizing the solidarity which unites the members of the society of civilized nations, it should therefore be universally maintained by the nations and peoples of the world, that:

I. Every nation has the right to exist and to protect and to conserve its existence, but this right neither implies the right nor justifies the act of the State to protect itself or to conserve its existence by the commission of unlawful acts against innocent and unoffending States.

II. Every nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other States, provided that in so doing it does not interfere with or violate the rights of other States.

III. Every nation is in law and before law the equal of every other nation belonging to the society of nations, and all nations have the right to claim and, according to the Declaration of Independence of the United States, "to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's god entitle them."

IV. Every nation has the right to territory within defined boundaries and to exercise exclusive jurisdiction over its territory and all persons, whether native or foreign, found therein.

V. Every nation entitled to a right by the law of nations is entitled to have that right respected and protected by all other nations, for right and duty are correlative, and the right of one is the duty of all to observe.

VI. International law is at one and the same time both national and international; national in the sense that it is the law of the land and applicable as such to the decision of all questions involving its principles; international in the sense that it is the law of the society of nations and applicable as such to all questions between and among the members of the society of nations involving its principles.

II. AN INTERNATIONAL PROGRAM FOR PEACE THROUGH JUSTICE.

1. The call of a Third Hague Conference, to which every country belonging to the society of nations shall be invited and in whose proceedings every such country shall participate.

2. A stated meeting of the Hague Peace Conference, which, thus meeting at regular, stated periods, will become a recommending if not a law-making body.

3. An agreement of the States forming the society of nations concerning the call and procedure of the Conference, by which that institution shall become not only internationalized, but in which no nation shall take as of right a preponderating part.

4. The appointment of a committee, to meet at regular intervals between the conferences, charged with the duty of procuring the ratification of the conventions and declarations and of calling attention to the conventions and declarations in order to insure their observance.

5. An understanding upon certain fundamental principles of international law, as set forth in the declaration of the rights and duties of nations adopted by the American Institute of International Law on January 6, 1916, which are themselves based upon decisions of English courts and of the Supreme Court of the United States.

6. The creation of an international council of conciliation to consider, to discuss, and to report upon such questions of a non-justiciable character as may be submitted to such council by an agreement of the powers for this purpose.

7. The employment of good offices, mediation, and friendly composition for the settlement of disputes of a non-justiciable nature.

8. The principle of arbitration in the settlement of disputes of a non-justiciable nature; also of disputes of a justiciable nature which should be decided by a court of justice, but which have, through delay or mismanagement, assumed such political importance that the nations prefer to submit them to arbiters of their own choice rather than to judges of a permanent judicial tribunal.

9. The negotiation of a convention creating a judicial union of the nations along the lines of the Universal Postal Union of 1906, to which all civilized nations and self-governing dominions are parties, pledging the good faith of the contracting parties to submit their justiciable disputes—that is to say, their differences involving law or equity—to a permanent court of this union, whose decisions will bind not only the litigating nations, but also all parties to its creation.

10. The creation of an enlightened public opinion in behalf of peaceable settlement in general, and in particular in behalf of the foregoing nine propositions, in order that, if agreed to, they may be put into practice and become effective, in response to the appeal to that greatest of sanctions, "a decent respect to the opinion of mankind."